

**DECLARATION AND POWER OF ATTORNEY**

*As a below-named inventor, I hereby declare that:*

*My residence, post office address, and citizenship are as stated below next to my name.*

*I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:*

**METHODS FOR TREATING ISCHEMIC  
DISORDERS USING CARBON MONOXIDE**

*the specification of which:  
(check one)*

\_\_\_\_\_ is attached hereto.

X was filed on October 3, 2003 as

Application Serial No. 10/679,135

and was amended October 3, 2003  
(if applicable)

*I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.*

*I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56.*

*I hereby claim foreign priority benefits under Title 35, United States Code, Section 119(a)-(d) or Section 365(b) of any foreign application(s) for patent or inventor's certificate, or Section 365(a) of any PCT International Application which designated at least one country other than the United States, listed below. I have also identified below any foreign application for patent or inventor's certificate, or PCT International Application having a filing date before that of the earliest application from which priority is claimed:*

**Prior Foreign Application(s)**

**Priority Claimed**

<u>Number</u>	<u>Country</u>	<u>Filing Date</u>	<u>Yes</u>	<u>No</u>
PCT/US 99/07175	_____	April 1, 1999	<u>X</u>	_____
PCT/US 97/17229	_____	September 25, 1997	<u>X</u>	_____
_____	_____	_____	_____	_____

*I hereby claim the benefit under Title 35, United States Code, Section 119(e) of any United States provisional application(s) listed below:*

<u>Provisional Application No.</u>	<u>Filing Date</u>	<u>Status</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

*I hereby claim the benefits under Title 35, United States Code, Section 120 of any United States Application(s), or Section 365(c) of any PCT International Application(s) designating the united States listed below. Insofar as this application discloses and claims subject matter in addition to that disclosed in any such prior Application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56, which became available between the filing date(s) of such prior Application(s) and the national or PCT international filing date of this application:*

<u>Application Serial No.</u>	<u>Filing Date</u>	<u>Status</u>
09/671,100	September 27, 2000	abandoned
09/053,871	April 1, 1998	issued
08/721,447	September 27, 1996	abandoned

*And I hereby appoint*

*John P. White (Reg. No. 28,678); Christopher C. Dunham (Reg. No. 22,031); Norman H. Zivin (Reg. No. 25,385); Jay H. Maioli (Reg. No. 27,213); William E. Pelton (Reg. No. 25,702); Robert D. Katz (Reg. No. 30,141); Peter J. Phillips (Reg. No. 29,691); Wendy E. Miller (Reg. No. 35,615); Richard S. Milner (Reg. No. 33,970); Robert T. Maldonado (Reg. No. 38,232); Paul Teng (Reg. No. 40,837); Richard F. Jaworski (Reg. No. 37,306); Alan J. Morrison (Reg. 37,399); Pedro C. Fernandez (Reg. 40,741); Gary J. Gershik (Reg. No. 39,992)*

*and each of them, all c/o Cooper & Dunham LLP of 1185 Avenue of the Americas, New York, New York 10036, my attorneys, each with full power of substitution and revocation, to prosecute this application, to make alterations and amendments therein, to receive the patent, to transact all business in the Patent and Trademark Office connected therewith and to file any International Applications which are based thereon under the provisions of the Patent Cooperation Treaty.*

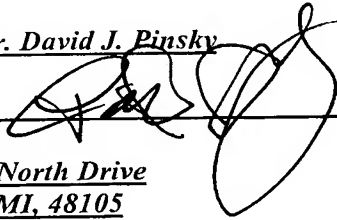
Please address all communications, and direct all telephone calls, regarding this application to:

John P. White Reg. No. 28.678  
Cooper & Dunham, LLP  
1185 Avenue of the Americas  
New York, New York 10036  
Tel. (212) 278-0400

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or  
first joint inventor Dr. David J. Pinsky

Inventor's signature



Date of signature

7/9/04

Residence 33 Barton North Drive  
Ann Arbor, MI, 48105

Post Office Address same as above

Citizenship U.S.A.

Full name of sole or  
second joint inventor Dr. David M. Stern

Inventor's signature

Date of signature

Residence Unit 1401, 1 Seventh Street  
Augusta, GA, 30901

Post Office Address same as above

Citizenship U.S.A.

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Full name of sole or  
first joint inventor Dr. David J. Pinsky

Inventor's signature \_\_\_\_\_ Date of signature \_\_\_\_\_

Residence 33 Barton North Drive  
Ann Arbor, MI, 48105

Post Office Address same as above

Citizenship U.S.A.

Full name of sole or  
second joint inventor Dr. David M. Stern

Inventor's signature David Stern Date of signature 6/16/04

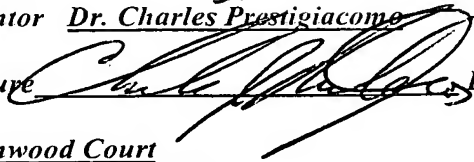
Residence Unit 1401, 1 Seventh Street  
Augusta, GA, 30901

Post Office Address same as above

Citizenship U.S.A.

*Full name of sole or*  
*second joint inventor* <sup>5.</sup> Dr. Charles Prestigiacomo

*Inventor's signature*



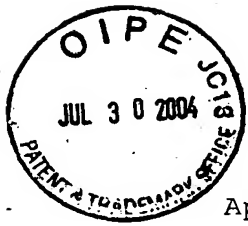
*Date of signature*

6/18/04

*Residence* 7 Birchwood Court  
East Hanover, NJ 07936

*Post Office Address* same as above

*Citizenship* U.S.A.



IFW

Dkt. 51917-CA-PCT-US/JPW/AJM/AAB

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: David J. Pinsky et al.  
Serial No.: 10/679,135  
Filed : October 3, 2003  
For : METHODS FOR TREATING ISCHEMIC DISORDER USING  
CARBON MONOXIDE

1185 Avenue of the Americas  
New York, New York 10036  
July 27, 2004

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

COMMUNICATION FORWARDING DECLARATION AND POWER OF ATTORNEY

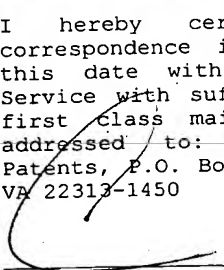
Applicants submit as **Exhibit A** a signed Declaration and Power of Attorney pursuant to 37 C.F.R. §1.53(f). In compliance with 37 C.F.R. §1.63, the Declaration refers to the application's above-identified serial number and filing date. Applicants note that the signed Declaration and Power of Attorney attached hereto (**Exhibit A**) names more than ten patent practitioners. In accordance with the Final Rule Regarding Revision Of Power Of Attorney And Assignment Practice, effective June 25, 2004, applicants also attach hereto as **Exhibit B** a Communication In Accordance With 37 C.F.R. §1.32(c)(3), identifying nine patent attorneys named in the power of attorney who are to be recognized by the Patent Office as being of record in the subject application.

Applicants : David J. Pinsky et al.  
U.S. Serial No. : 10/679,135  
Filed : October 3, 2003  
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No fee is deemed necessary in connection with the filing of this Communication. However, if any fee is required, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 03-3125.

Respectfully submitted,

I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

  
Alan J. Morrison  
Reg. No. 37,399

7/23/04  
date

John P. White  
Registration No. 28,678  
Alan J. Morrison  
Registration No. 37,399  
Attorneys for Applicants  
Cooper & Dunham LLP  
1185 Avenue of the Americas  
New York, New York 10036  
Tel. No. (212) 278-0400

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: David J. Pinsky et al.  
Serial No.: 10/679,135  
Filed : October 3, 2003  
For : METHODS FOR TREATING ISCHEMIC DISORDER USING  
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1185 Avenue of the Americas  
New York, New York 10036  
July 27, 2004

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

COMMUNICATION IN ACCORDANCE WITH 37 C.F.R. §1.32(c)(3)

This Communication is submitted in accordance with new 37 C.F.R. §1.32(c)(3) which came into effect on June 25, 2004.

Applicant is submitting herewith a Communication Forwarding Declaration and Power of Attorney, including a signed Declaration and Power of Attorney attached thereto as **Exhibit A**, which was executed, in part, prior to the effective date of new 37 C.F.R. §1.32(c)(3).

According to new 37 C.F.R. §1.32(c)(3),

"[i]f a power of attorney names more than ten patent practitioners, such power of attorney must be accompanied by a separate paper indicating which ten patent practitioners named in the power of attorney are



Applicants : David J. Pinsky et al.  
U.S. Serial No. : 10/679,135  
Filed : October 3, 2003  
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to be recognized by the Office as being of record in application or patent to which the power of attorney is directed."

In accordance with 37 C.F.R. §1.32(c)(3), the following patent practitioners named in the Declaration and Power of Attorney are to be recognized by the U.S. Patent and Trademark Office as being of record in connection with the above-identified application to which the Declaration and Power of Attorney is directed:

John P. White (Reg. No. 28,678); Christopher C. Dunham (Reg. No. 22,031); Norman H. Zivin (Reg. No. 25,385); William E. Pelton (Reg. No. 25,702); Robert D. Katz (Reg. No. 30,141); Peter J. Phillips (Reg. No. 29,691); Paul Teng (Reg. No. 40,837); Alan J. Morrison (Reg. No. 37,399); and Gary J. Gershik (Reg. No. 39,992).

Applicants : David J. Pinsky et al.  
U.S. Serial No. : 10/679,135  
Filed : October 3, 2003  
Page 3

No fee is deemed necessary in connection with the filing of this Communication. However, if any fee is required, authorization is hereby given to charge the amount of such fee to Deposit Account No. 03-3125.

Respectfully submitted,

John P. White  
Registration No. 28,678  
Alan J. Morrison  
Registration No. 37,399  
Attorneys for Applicants  
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Tel. No. (212) 278-0400

I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Alan J. Morrison  
Reg. No. 37,399

7/27/07  
Date